

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) **NO. 2:23-CR-00545-AB-21**
)
 Plaintiff,)
)
 v.) **ORDER OF DETENTION AFTER**
) **HEARING**
)
 MARCO HERNANDEZ,)
) **(18 U.S.C. § 3142(i))**
 Defendant.)
)
 _____)

I.

- A. () On motion of the Government in a case allegedly involving:
1. () a crime of violence;
 2. () an offense with a maximum sentence of life imprisonment or death;
 3. () a narcotics or controlled substance offense with a maximum sentence of ten or more years;
 4. () any felony - where the defendant has been convicted of two or more prior offenses described above;
 5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. (X) On motion by the Government / () on Court's own motion, in a case allegedly
2 involving:

3 1. (X) a serious risk that the defendant will flee;

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice;

6 b. () threaten, injure, or intimidate a prospective witness or juror or
7 attempt to do so.

8 C. The Government is entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.
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12 II.

13 A. (X) The Court finds that no condition or combination of conditions will reasonably
14 assure:

15 1. (X) the appearance of the defendant as required.

16 (X) and/or

17 2. (X) the safety of any person or the community.

18 B. (X) The Court finds that the defendant has not rebutted by sufficient evidence to the
19 contrary the presumption provided by statute.
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21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged;

24 B. the weight of evidence against the defendant;

25 C. the history and characteristics of the defendant; and

26 D. the nature and seriousness of the danger to any person or to the community.
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28 IV.

1 The Court also has considered all the evidence adduced at the hearing and the
2 arguments and/or statements of counsel, and the Pretrial Services Report and
3 recommendation.

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5 V.

6 The Court bases the foregoing finding(s) on the following:

- 7 A. (X) The history and characteristics of the defendant indicate a serious risk that
8 the defendant will flee, because the defendant is facing state court charges on
9 murder and robbery with trial pending in January 2025.
- 10 B. (X) The defendant poses a risk to the safety of other persons or the community
11 because of the nature and seriousness of the allegations in this case; and the
12 nature and extent of the defendant's prior criminal history, which includes prior
13 felony charges involving crimes of violence.

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15 VI.

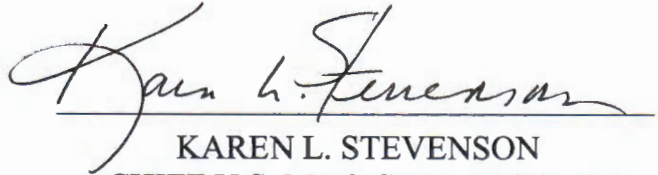
- 16 A. () The Court finds that a serious risk exists that the defendant will:
- 17 1. () obstruct or attempt to obstruct justice.
- 18 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

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21 VII.

- 22 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 23 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
24 Attorney General for confinement in a corrections facility separate, to the extent
25 practicable, from persons awaiting or serving sentences or being held in custody
26 pending appeal.
- 27 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
28 for private consultation with counsel.

1 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
2 request of any attorney for the Government, the person in charge of the corrections
3 facility in which the defendant is confined shall deliver the defendant to a United
4 States Marshal for the purpose of an appearance in connection with a court proceeding.
5 **The defendant is to be returned to state custody no later than 48 hours following**
6 **the completion of today's hearing.**

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8 DATED: November 6, 2024

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11 KAREN L. STEVENSON
12 CHIEF U.S. MAGISTRATE JUDGE
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